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DOCKET NO: T2001-700210


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: William S. Barney
Serial No: 10/797,716
Confirmation No: 4115
Filed: March 10, 2004
For: SYSTEM AND METHOD FOR BIOAEROSOL
DISCRIMINATION BY TIME-RESOLVED
FLUORESCENCE

Examiner: Not Yet Assigned
Art Unit: 2877

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 9, 2004.


Jeanne W. Chub

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

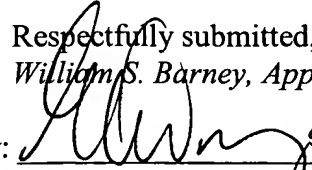
Transmitted herewith are the following documents:

- ☒ Information Disclosure Statement, Form PTO-1449 and Cited References
- ☒ Copy of International Search Report
- ☒ Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 395-7000.

A check is not enclosed. If a fee is required, the Commissioner is hereby authorized to charge Deposit Account No. 50/2762. A duplicate of this sheet is enclosed.

Respectfully submitted,
William S. Barney, Applicant

By: 
Elias Domingo, Reg. No. 52,827
Peter C. Lando, Reg. No. 34,654
LOWRIE, LANDO & ANASTASI, LLP
Riverfront Office Park
One Main Street
Cambridge, MA 02142
Tel. (617) 395-7000

Date: September 9, 2004
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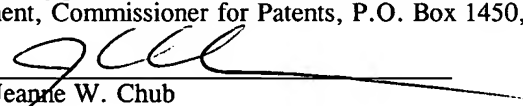
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**STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case.

No fee or certification is required.

PART II: Compliance with 37 CFR §1.704(d)

Each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart application and this communication was not received by the office of the undersigned more than 30 days prior to filing of this Information Disclosure Statement.

PART III: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant would like to bring to the Examiner's attention the enclosed search report from a corresponding International or Foreign National Application.

DE19949658A1 appears to pertain to the measurement of fluorescence cross-correlations for studying biological reactions. An English language abstract is attached.

PART IV: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,
William S. Barney, Applicant

By: 

Elias Domingo, Reg. No. 52,827

Peter C. Lando, Reg. No. 34,654

LOWRIE, LANDO & ANASTASI, LLP

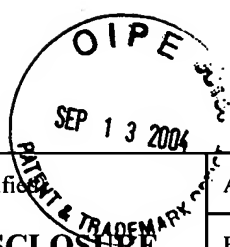
Riverfront Office Park

One Main Street

Cambridge, Massachusetts 02142

Tel. (617) 395-7000

September 7, 2004



FORM PTO-1449/A and B (Modified) INFORMATION DISCLOSURE STATEMENT BY APPLICANT				APPLICATION NO.: 10/797,716		ATTY. DOCKET NO.: T2001-700210	
				FILING DATE: March 10, 2004		CONFIRMATION NO.: 4115	
				APPLICANT: William S. Barney			
				GROUP ART UNIT: 2877		EXAMINER: Not Yet Assigned	
Sheet	1	of	1				

U.S. PATENT DOCUMENTS

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
	*	US2002/063863	A1	Kask Peet	05/30/2002
	*	6,137,584		Brand Leif et al.	10/24/2000
	*	5,909,278		Deka Chiranjit et al.	06/01/1999

FOREIGN PATENT DOCUMENTS

Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/ Country	Number	Kind Code			
		DE	19949658			05/10/2001	Abstract Only

OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)	
		R.A. KELLER et al., "Single-Molecule Fluorescence Analysis in Solution," <i>Applied Spectroscopy, The Society for Applied Spectroscopy</i> , July 1, 1996, pp. 12A-32A, vol. 50, no. 7, Baltimore, US.		
		M. MUSOLINO et al., "An integrated Instrumentation for Light-Scattering and Time-Resolved Fluorescence Measurements," <i>Review of Scientific Instruments, American Institute of Physics</i> , March 1, 1995, pp. 2405-2410, vol. 66, no. 3, New York, US.		

EXAMINER	DATE CONSIDERED
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#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

* Copies of US Patents and US Patent Application Publications are not enclosed.